



Comptroller General
of the United States
Washington, D.C. 20548

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Decision

Matter of: Waste Management of Northern Virginia

File: B-258034

Date: August 12, 1994

DECISION

Waste Management of Northern Virginia protests the waste disposal contract awarded to Eastern Trans-Waste of Maryland by the Department of Defense under invitation for bids (IFB) No. MDA946-94-B-A005. Waste Management contends that the awardee intends to dispose of the waste at an unauthorized disposal site and will, therefore, not comply with the requirements in the IFB that the awardee obtain all necessary disposal permits and licenses and only dispose of the waste at properly certified waste disposal facilities.

Normally, a general solicitation provision requiring the contractor to obtain all necessary licenses or to comply with all license requirements does not require that a bidder or offeror demonstrate compliance prior to award. Mercury Business Servs., Inc., B-237220, Nov. 7, 1989, 89-2 CPD ¶ 443. Rather, such requirements impose upon successful bidders and offerors the obligation to resolve the question of what licenses are required and to obtain those that are required. As such, the question of a contractor's possession of appropriate licenses concerns the contractor's responsibility. Id.

Since Eastern Trans-Waste of Maryland did not take any exception to the IFB's requirements in its bid, the bid is responsive; the challenge to the firm's ability to perform in accordance with the IFB's waste disposal facility requirements involves the awardee's responsibility. King-Fisher Co., B-236687.2, Feb. 12, 1990, 90-1 CPD ¶ 177.

An agency's affirmative determination of a contractor's responsibility will not be reviewed by our Office absent a showing of possible fraud or bad faith on the part of procurement officials, or that definitive responsibility

criteria in the solicitation may have been misapplied.
4 C.F.R. § 21.3(m)(5) (1994); King-Fisher Co., supra.
Where, as here, there is no such showing, we have no basis
to review the protest.

The protest is dismissed.



for Michael R. Golden
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